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**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/164969

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 27, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on April 21, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the Department of Health Services, Division of Health Care Access and Accountability (DHS), correctly modified the Petitioner's request for personal care worker (PCW) services.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

||

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: OIG by letter

Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County.

2. On September 10, 2014, United Home Health submitted, on behalf of the Petitioner, a request for 20.25 hours of per week of Personal Care Worker (PCW) hours for 52 weeks, at a cost of \$17,257,860.00 with an additional 1,073.25 hours of PCW time, at a cost of \$1,725,786.00. (Exhibit 2, attachment 2)
3. On October 28, 2014, United Home Health submitted a new / corrected prior authorization request. In that request, United Home Health withdrew the request for \$1,725,786.00 in services and asked for 81 units / 20.25 hours per week of PCW services for 53 weeks at a cost of \$17,257.86. (Exhibit 2, attachment 2)
4. On November 17, 2014, DHS sent the Petitioner and United Home Health notices advising them that the request for services was denied. (Exhibit 2, attachment 2)
5. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on November 24, 2014. (Exhibit 2, attachment 2)
6. On January 29, 2015, the Division of Hearings and Appeals issued a decision allowing reimbursement for 10.25 hours per week of PCW services for a period of four weeks. The decision indicated that this was to give the Petitioner an opportunity to have her needs evaluated by a physical therapist and to submit a new prior authorization request based upon that evaluation. The decision also indicated that to have the 10.25 hours of services approved, the Petitioner's provider, United Home Health needed to submit a prior authorization request with a copy of the decision. (Exhibit 2, attachment 2)
7. On February 17, 2015, United Home Care submitted a prior authorization request, but instead of asking for the 10.25 hours approved in the hearing decision, United Home Care requested 20.25 hours per week of services. (Exhibit 2, attachment 1)
8. On March 4, 2015, DHS sent the Petitioner and United Home Care notices, advising them that the request for services was modified to conform to the hearing decision issued on January 29, 2015. (Exhibit 3, pgs. 24-29)
9. The Petitioner filed a new request for fair hearing that was received by the Division of Hearings and Appeals on March 27, 2015. (Exhibit 1)

### **DISCUSSION**

When United Home Care submitted its February 2015 request for prior authorization of 20.25 PCW services, it only submitted a copy of the January 29, 2014 hearing decision to justify its request for services. It submitted no documentation to justify a deviation from the 10.25 hours approved in the hearing decision. Accordingly, it is found that DHS correctly modified the request for PCW services.

The Petitioner indicated that she has been without PCW services since the end of January 2015, that she has struggles to perform certain activities of daily living and that she has had to seek assistance from her God-daughter and her brother. The Petitioner has also indicated that she received physical therapy from the beginning of January through March 4, 2015 and that she has started therapy again on April 13, 2015.

If the Petitioner wishes to have PCW services, she might wish to have her physical therapist assess her ability to complete activities of daily living.

Petitioner's PCW provider (United Home Care) should then obtain the Petitioner's therapy records and file a new request for prior authorization that includes the Petitioner's physical therapy records and any assessments done by the therapist.

If DHS again denies the request for services, Petitioner may file a new request for fair hearing.

**CONCLUSIONS OF LAW**

DHS correctly modified the Petitioner's request for PCW services.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

**REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**APPEAL TO COURT**

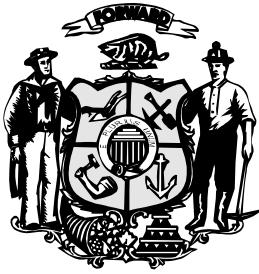
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 27th day of April, 2015.

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\sMayumi M. Ishii  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on April 27, 2015.

Division of Health Care Access and Accountability